

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 113 Ex.]

#### YEAS—58

Alexander	DeWine	Miller
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bayh	Ensign	Nickles
Bennett	Enzi	Pryor
Bond	Fitzgerald	Roberts
Breaux	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lincoln	Thomas
Conrad	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	McCain	
Crapo	McConnell	

#### NAYS—41

Akaka	Durbin	Lautenberg
Baucus	Edwards	Leahy
Biden	Feingold	Levin
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Hollings	Reed
Carper	Inouye	Reid
Clinton	Jeffords	Rockefeller
Corzine	Johnson	Sarbanes
Daschle	Kennedy	Schumer
Dayton	Kerry	Stabenow
Dodd	Kohl	Wyden
Dorgan	Landrieu	

#### NOT VOTING—1

Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of this action.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONSUMER ROCKET MOTOR PROPELLANTS

Mr. ENZI. Madam President, I come to you today on behalf of students and 4-H members and Scouts around the world. Start counting backwards from 10 to zero: 10, 9, 8, 7—and depending on the context, people will instantly be re-

minded of their youth, sitting in front of a dimly lit television, watching a rocket take flight as we began the study of space flight and space travel. We were much younger then and all around me kids from all over the State and all around the country were excited and fascinated by the new age of rocketry and, later, space travel.

When Russia launched its Sputnik, it created a sensation, and their success, spurred on by the climate of the cold war, challenged us in the United States to reach for the skies.

Wyoming isn't called the Pioneer State for nothing, and so my classmates and I were determined we would do everything we could to learn about this new branch of science and involve ourselves in the race for space. It was not too long after that President John F. Kennedy issued a challenge to the Nation to land a man on the Moon and return him safely to Earth.

What seemed to be against all the odds soon became reality when Neil Armstrong walked on the Moon, taking a small step for man and a giant leap for mankind.

Even today, those of us who saw those events firsthand on the television will never forget what a miracle it was. It fired our imaginations as it taught the Nation a powerful lesson: If we can make this impossible dream come true for the Nation, of what more are we capable if we dare to try? Perhaps that lesson is what made our Nation what it is today and why we have continued to defy the odds of what is possible for us as a nation, and even for each of us as individuals.

Then came September 11 and we, as a nation, faced another challenge. The call for increased security that resulted from those cowardly and cruel attacks has had some unforeseen consequences, however.

One of them was brought to my attention when a constituent called to share his concern regarding the future of his favorite hobby, model rocketry. He said some of the restrictions of the Homeland Security Act could make it more difficult, if not impossible, for him and his fellow enthusiasts to purchase fuel for their model rockets.

As I looked into his problem, I was surprised to see that the use of ammonium perchlorate composite propellant, better known as APCP, had caught the eye of the Bureau of Alcohol, Tobacco, and Firearms. Although it had been regulated in the past by its placement on the explosives list, the ATF had considered consumer rocket motors as propellant-activated devices and exempt from any ATF permit requirements.

Then, in 1997, the ATF decided to regulate rocket motors that contained more than 62.5 grams of APCP. Those that contained less than that amount were still exempt, but those that contained more would not be available for interstate purchase and transport without a permit.

Since many rocket enthusiasts travel from State to State to participate in

their events, this provision could have made for a lot of needless redtape. To avoid it, many of those participating in this hobby carried their rocket bodies to the events and purchased the rocket motors from vendors at the local launch. With a little ingenuity and co-operation from local vendors, most rocketeers legally avoided the need to purchase and obtain permits.

Now the provisions of the Homeland Security Act have created a new problem. Under the new law, a permit will be required for all rocket motors containing more than 62.5 grams of APCP, whether or not the motor is used in or out of State. And that begins on May 24 of this year—a problem rapidly approaching. The new law creates a problem where there was none before and imposes a solution that will only create unnecessary hardship for those who are studying about rockets or pursuing a hobby as a model rocket enthusiast.

According to the U.S. Product Safety Commission, a rocket motor with less than 62.5 grams of APCP can be used by minors without adult supervision. That is the U.S. Product Safety Commission: 62.5 grams or less can be used by minors without adult supervision. It could not be very bad. Now a rocket with any more than that requires adult supervision and a permit. Such an arbitrary limit makes no sense when it means a 62-gram rocket can be used by your children out playing in a field with their friends, while another gram of fuel puts it in a category that requires adult supervision, Federal intervention, attention, inspection, and expensive, cumbersome permits.

The permit that is required costs \$100, and it requires the submission of fingerprints, a photograph, and a background check. Although the homeland security bill tried to introduce a limited permit that could be obtained for \$25 and a background check, the newly designed permit is restricted to intrastate use and purchase only and would not have any use for rocketeers who travel to events in other States.

My concern about the impact of these regulations, and the process necessary to obtain permits, and the bureaucracy that would be necessary to do that, and to fulfill the requirements for background checks is that it will certainly slow the participation of our young adults in studying rockets and pursuing their dreams of space travel.

As I learned from my own experience—and I was one of those rocket people back at the time of Sputnik—the study of rockets had a ripple effect throughout my own education. It taught me a lot about math, when we had to calculate the amount of fuel we needed and the rate at which the rocket would travel at speed-calculating heights, figuring trajectories, figuring the amount of Gs that would be on a passenger. It taught us about the study of weather, as we would examine reports about our own launch date and temperature and cloud cover that would affect our ability to observe the

launch, and weather balloons for measuring the winds aloft, to better tell where it would go, and to make the calculations about how high we were able to fly on any particular day.

We invented much. When I started doing rockets, there were not the model rockets available at the hobby shops. We had to have the motors turned out at the local shop, after we designed them for the proper characteristics. It led to a lot of invention.

It also expanded our horizons, as our experiences with rockets translated to our own lives. My friends and I often thought, if we could master the skies and heavens with our rockets, what more would we be able to do in our daily lives? It is an answer we are still developing as we each pursue paths in life—some very far away from rockets.

As we grow older, we all want to make sure our children and our grandchildren have it better than we did. This is one area in which they will not have it better than we did—in fact, may not have it at all—if we fail to act. If we fail to come up with a reasonable compromise on this issue, we will have failed to fuel the dreams of the next generation in a vital field of science by our shortsighted efforts to regulate the fuel of the rockets.

Our children will not be the only ones affected by this provision, however. The impact of this regulation will also be felt by the trucking industry which was recently told that it would be liable for the prevention of the possession of explosives by prohibited persons who are their employees. As some shippers do not currently do extensive background checks on their employees, they have decided to stop shipping the motors, including these rocket motors, at all.

Although some companies will continue to ship rocket motors, they will charge very high hazardous material fees that would hit the consumers in the pocketbook. Small businesses will be hit hard by the fees which will have to be paid by the consumer, and even larger and more successful businesses will be unable to avoid the one-two punch of the permit process and the higher transportation and delivery fees.

Even small businesses in other countries will feel the pinch. I was surprised to receive a call from the president of the United Kingdom's largest model rocket group. He thanked me for my interest in the issue because the U.S. ships most of the model rockets used in the United Kingdom. The supply of model rocket motors in other countries is limited, and their hobby is intricately linked with ours.

To remedy these problems, I introduced S. 724 last week. My bill provides an exemption for permit requirements for the purchase and transport of rocket motors, including those with more than 62.5 grams of APCP.

In section 845 of the Federal explosives law, my bill provides an exemption from explosives permit require-

ments for the components of rocket motors. This exemption is similar to the exemption in the same section enjoyed by antique firearms users for black powder, as black powder also makes the explosives list. The limit there is 50 pounds; quite a bit different than 62.5 grams.

The current language has been tightened up from the original draft to ensure that the exemption is only provided for valid uses. The language specifies that the exemption only applies to nondetonable rocket propellant—a very important word. There are some high-energy APCP composites that have additional chemicals in their composition that make them detonate instead of burning at a moderate rate. These are not used in amateur or sport rocketry and are not exempt under my language.

The APCP my bill refers to, which is found in model rockets, burns but does not explode. In addition, the language in my bill does not exempt rockets that carry various components of weaponry.

On the transportation issue, it appears that some companies are only shipping those articles that are specifically mentioned as exempt from explosives requirements under section 845. My bill provides the exemption for rocket motor components under this section, giving shippers a clear exemption to resume shipping rocket motors.

I have been joined by Senators BENNETT, INHOFE, COLEMAN, CRAPO, BURNS, ALLARD, and SANTORUM in introducing this bill.

Some of my other colleagues have expressed concern that this legislation goes too far. They have questioned me about the possibility of individuals stockpiling APCP to build a bomb.

First, I would contend that the ATF does not appear concerned about this possibility. Under their proposed 62.5-gram exemption, an individual would be able to buy as many rocket motors as they wanted that were under 62.5 grams.

A rocket motor is fairly simple. I ask unanimous consent to show a three-dimensional object on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I have one of those 62.5 gram rocket motors here. This is what is allowed to be bought in as much quantity as you want. But a quarter of an inch bigger than this and you can't have it without \$100 and a special permit. It is very simple, the fuel with the hole through the center. When you buy them, the APCP comes in this chunk that is removable from the rest of the rocket motor parts.

If the ATF considers APCP a dangerous explosive, then their 62.5 gram exemption itself is dangerous. The ATF is basically saying it is OK to buy as many sticks of dynamite as you want, but we won't let you have a whole box. I reiterate that rocket motors compare more to flares than to dynamite. Hundreds of hours are spent constructing these rockets.

A lot of work goes into the rocket body. Nobody wants to blow theirs apart. So they are a safe form of fuel.

Simply put, my legislation is designed to allow another generation to experience the thrills and excitement of model rocketry. It is being introduced to correct a change in the law that Congress never intended. When we voted to take action to prevent the actions of terrorists, we never intended to prevent our children from pursuing projects in science class, hobbyists from pursuing their hobbies, and our families from engaging in father-son or mother-daughter or any mixture of projects that promote learning and the pursuit of the frontiers of space. If you have never been to a rocketry event or seen a rocket launch in person, I urge you to do so if the opportunity ever presents itself. If you have gone to one of those events, you will remember how it left you looking towards the heavens, mindful of your dreams, and feeling encouraged to pursue them.

That is not a bad gift to give our children and theirs. It is extensive throughout the world, I can tell, from the calls I have gotten about this since I got involved in it.

I urge my colleagues to join me in this effort which will have a great impact on our lives in the years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### TROOPS PHONE HOME FREE ACT OF 2003

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 718, the Troops Phone Home Free Act of 2003; that the only amendment in order be a McCain substitute amendment; further, that there be 1 hour of debate equally divided between Senator MCCAIN and the Democratic leader or his designee; that at the expiration or yielding back of time, the amendment be adopted, the bill, as amended, be read a third time and passed, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 718) to provide a monthly allotment for free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq and Afghanistan.

AMENDMENT NO. 434

Mr. MCCAIN. I ask unanimous consent that the McCain substitute be adopted at this time for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 434) was agreed to, as follows: